IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8956 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHIKHA BHOJA KOLI

Versus

STATE OF GUJARAT

Appearance:

MR YS MANKAD for Petitioners

MS HARSHA DEWANI for Respondents No. 1 to 3

MR BP TANNA for Respondent No. 4, 5, 6, 7, 8, 9

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 10/11/2000

ORAL JUDGEMENT

By means of filing this petition under Article 226 of the Constitution, 8 petitioners have prayed to issue a writ of mandamus or any other appropriate writ or order to quash and set aside order dated September 30, 1991 passed by the Deputy Collector, Anjar, by which prayer made by the petitioners to allot 10 Acres of land each of them from Survey No.2000 of village Bhachau for

salt manufacturing, is rejected, as well as order dated November 26, 1991 passed by the Deputy Collector, Anjar Kutch by which land is allotted to certain persons on certain conditions for salt manufacturing.

2. From the averments made in Para-5 of the petition, it is evident that order dated September 30, 1991, which is challenged in the present petition, was also challenged by the petitioners before the Collector on December 5, 1991 by way of an appeal and the petitioners had also filed an application for stay of the said order. At the time of hearing of the petition, the learned counsel for the petitioners could not point out status of the appeal, but the fact remains that the petitioners have already resorted to alternative effective remedy available under the provisions of the Bombay Land Revenue Code and, therefore, the reliefs claimed in the petition cannot be granted. The learned counsel for the petitioners has stated at the Bar that attempts for settling the matter amicably between the petitioners and the respondents are afoot and, therefore, while disposing of the petition, the Court should observe that the settlement, if any, arrived at between the parties to the petition, shall not be affected in any manner by disposal of this petition.

In view of the alternative remedy which is already resorted to, the petition is dismissed. Rule is discharged, with no order as to costs. It is clarified that disposal of this matter shall not affect the settlement, if any, which may be arrived at between the parties to the petition. Liberty is reserved to each petitioner to move the Court again in case of difficulty.

(J.M.Panchal,J.)